

JAMES RAY & ASSOCIATES
2640 PITCAIRN ROAD
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28 APR 2004
Legal Staff
International Division

DATE: April 28, 2004

TO: JAMES THOMSON

FROM: James O. Ray, Jr.

FAX NO.: 703-308-6459

NO. OF PAGES: 12 (including this page)

COMMENTS: (SEE FACSIMILE TO FOLLOW)

RE: U.S. PATENT APPLICATION
SERIAL NO. 09/355,665
"CATHETER FOR PROVIDING A FLUID
CONNECTION WITH THE SMALL INTESTINE"
OUR REFERENCE: SG 99224

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In reapplication of:)	Group Art Unit: TBA
Stlg Bengmark)	Examiner: TBA
Serial No.: 09/355,665)	Attorney Docket No.: SG 99224
Filed: To Be Determined)	Date: April 28, 2004

For: CATHETER FOR PROVIDING A FLUID CONNECTION
WITH THE SMALL INTESTINE

MAIL STOP OFFICE OF PCT ADMINISTRATION
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450


LETTER

Sir:

Enclosed are copies of the original Petition for Revival of an Application for Patent Abandoned Unintentionally, Verified Statement Claiming Small Entity Status, Declaration and Request for Refund which was sent to the United States Patent and Trademark Office on September 13, 1999. Also, enclosed is a copy of the postcard stamped received.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 of Title and that such willful false statements may jeopardize the validity of the application or any patent issue thereon.

Respectfully submitted,

By: 
James O. Ray, Jr.
Agent for Applicant
Registration No. 27,666

JAMES RAY & ASSOCIATES
2640 PITCAIRN ROAD
MONROEVILLE, PA 15146

TELEPHONE: 412-380-0725
FACSIMILE: 412-380-0748

I hereby certify that the correspondence
is being deposited with the United States
Postal Service as First Class Mail
in an envelope addressed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

on September 14, 1999
Susette Stahudy

JAMES RAY AND ASSOCIATES 2640 PITCAIRN ROAD MONROEVILLE PA 15146		UMB BANK, N.A. WARSAW, MO	3097
DATE <u>9-14-99</u>		80-1885/1012	
PAY TO THE ORDER OF <u>Commissioner of Patents and Trademarks</u>		\$ <u>605.00</u>	
<u>Six hundred five and 00/100</u>		DOLLARS <input checked="" type="checkbox"/> Security Features in Check listed on back	
EXPENSE CODE <input checked="" type="checkbox"/> G <input type="checkbox"/> F	PARKER/HUNTER Preferred Account		
MEMO <u>PETITION FEE SG 99224</u>		<u>Susette Stahudy</u> MP	
⑆ 10121885613090000151517513097			

JAMES RAY AND ASSOCIATES 2640 PITCAIRN ROAD MONROEVILLE PA 15146		UMB BANK, N.A. WARSAW, MO	3098
DATE <u>9-14-99</u>		80-1885/1012	
PAY TO THE ORDER OF <u>Commissioner of Patents and Trademarks</u>		\$ <u>130.00</u>	
<u>One hundred thirty and 00/100</u>		DOLLARS <input checked="" type="checkbox"/> Security Features in Check listed on back	
EXPENSE CODE <input checked="" type="checkbox"/> G <input type="checkbox"/> F	PARKER/HUNTER Preferred Account		
MEMO <u>BAL. ON FIL. FEE SG 99224</u>		<u>Susette Stahudy</u> MP	
⑆ 10121885613090000151517513098			

524 Rec'd PCT/PTO 17 SEP 1999

F: SG 99224

JRS:sf

The date stamp of the Patent Office on this card will be taken as an indication that Petition for Revival of an Application for Patent Abandoned Unintentionally, Verified Statement Claiming Small Entity Status, Declaration, Request for Refund, copy of the original check, copy of the original Transmittal Letter, check no. 3097 in the amount of \$605.00 to cover the Petition Fee and check no. 3098 in the amount of \$130.00 to complete the Filing Fee were received.

No: SG 99224

Date: September 14, 1999

Docket No.: SG-99224
Date: September 13, 1999

ASSISTANT COMMISSIONER FOR PATENTS
Box PCT
Washington, D.C. 20231

Inventor: BENGMARK, Stig
Filed: February 2, 1998 (Int'l)
Serial No.: 09/355,665 (US)
PCT/SE98/00145 (Int'l)

For: CATHETER FOR PROVIDING A FLUID CONNECTION WITH THE SMALL INTESTINE

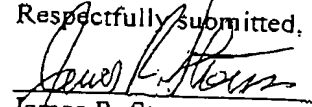
Dear Sir/Madam:

Transmitted herewith are the following documents and their accompanying attachments for the national application for patent identified above:

1. *Petition for Revival* of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 C.F.R. 1.137(b) accompanied by:
 - (a) Check No. 3907 in the amount of \$605.00 as payment of the Petition Fee;
 - (b) Check No. 3098 in the amount of \$130.00 to complete the basic filing fee for the national application cited above; and
 - (c) Verified Statement Claiming Small Entity Status.
2. *Request for Refund* of a Portion of Filing Fees, Pursuant to 37 C.F.R. §1.26 and §1.28, Due to Establishment of Small Entity Status accompanied by:
 - (a) Copy of original Check No. 2922 for \$876 that was submitted at the time the national application was filed; and
 - (b) Copy of the Transmittal Letter that was submitted at the time the national application was filed.
3. *Declaration of Inventor(s)* and Power of Attorney.

Please return the enclosed self-addressed, stamped Return Postcard.

Respectfully submitted,


James R. Stevenson
Attorney for Applicant
Reg. No. 38,755

James Ray & Associates
2640 Pitcairn Road
Monroeville, Pennsylvania 15146
TELEPHONE: (412) 380-0725
FACSIMILE: (412) 380-0748

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PTO/SB/84/PCT (12-97)
 Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
 Use through 9/30/00. OMB 0651-0031

**PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT
 DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
 SG 99224

First named inventor: BENGMARK, Stig

Application No.: 09/355,665 (U.S.)
 PCT/SE98/00145 (International)

Group Art Unit: TBA

Filed: February 2, 1998

Examiner: TBA

Title: CATHETER FOR PROVIDING A FLUID
 CONNECTION WITH THE SMALL INTESTINE

Attention: International Division, Legal Staff
 Box PCT
 Assistant Commissioner for Patents
 Washington, D.C. 20231

The above-identified application became abandoned as to the United States because the elements noted at 35 U.S.C. 371(c) were not filed prior to the expiration of the applicable time limit noted at 37 CFR 1.494(b) or (c) or 37 CFR 1.495(b) or (c). The date of abandonment is 8-5-99 (i.e., the day after the date on which the 35 U.S.C. 371(c) requirements were due; see 37 CFR 1.494(h) or 1.495(i)).

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee
- (2) Proper response
- (3) Terminal disclaimer with disclaimer fee — required for all applications filed before June 8, 1995; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

- ☒ Small entity - fee \$ 605 (37 CFR 1.17(m)) (Check No. 3097)
☒ Small entity statement enclosed herewith.
☐ Small entity statement previously filed.
☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Proper response

A. The proper response (the missing 35 U.S.C. 371(c) requirements) in the form of
\$130.00 now paid via Check No. 3098 (identify type of response):

- ☐ has been filed previously on _____
☒ is enclosed herewith.

NOTE: The \$130.00 amount represents the difference between (a) the full Basic National Fee for a Large Entity (\$1006.00) owing at time the National Application was filed; and (b) the amount (\$876.00) actually paid at time National Application was filed.

[Page 1 of 2]

Surden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Approved for use by the PTO/SB/64/PCT (12-97)
9/30/00. OMB 0851-0031
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$_____ for a small entity or \$_____ for other than a small entity) equivalent to the number of months from abandonment to the filing of this petition is enclosed herewith.

4. Statement. The entire delay in filing the 35 U.S.C. 371(c) requirements from their due date until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

Where a petition under 37 CFR 1.137(b) is not filed within three months from the mail date of any notice of abandonment or one year from the date of abandonment, explain (on an attached sheet) in detail the cause of the delay in filing this petition.

September 13, 1999
Date

James R. Stevenson
Signature

Telephone

Number: (412)380-0725James R. Stevenson

Typed or printed name

2640 Pitcairn Road

Address

Monroeville, PA 15146Enclosures: ☒ Response (\$130.00)☒ Fee Payment (\$605.00)☐ Terminal Disclaimer Form☒ Small Entity Status Form☒ DECLARATION OF INVENTOR with Power of Attorney

Attorney Docket: SG 99224

PATENT

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR 1.9(f) and 1.27(b))--INDEPENDENT INVENTOR**

Applicant or Patentee: BENGMARK, StigSerial or Patent No.: TBAFiled or Issued: TBAFor: CATHETER FOR PROVIDING A FLUID CONNECTION WITH THE SMALL INTESTINE

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled CATHETER FOR PROVIDING A FLUID CONNECTION WITH THE SMALL INTESTINE described in:

☐ the specification filed herewith.

☒ application serial no. _____, filed _____, as a national stage entry for PCT International application PCT/SE98/00145, filed internationally on 02 February 1998.

☐ patent no. _____, issued _____.

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

☒ no such person, concern, or organization

☐ persons, concerns or organizations listed below:

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27).

FULL NAME Stig BengmarkADDRESS Barvtongränd 17, S-220 70 Lund Sweden

☒ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

FULL NAME _____

ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Stig Bengmark
Name of First Inventor

Stig Bengmark
Signature of First Inventor

990825
Date

Attorney Docket No.: SG-99224

Declaration For U.S. Patent Application

(PTO/SB/01)

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

CATHETER FOR PROVIDING A FLUID CONNECTION WITH THE SMALL INTESTINE

the specification of which (Check one of blocks 1, 2 or 3)

1. ☐ is attached hereto.2. ☒ was filed on 02 February 1998 as International PCT Application Serial No. PCT/SE98/00145 and was amended on _____ (if applicable).3. ☐ was filed on _____ as U.S. Application Serial No. _____ and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed:

List of Prior Foreign Applications (if applicable)

<u>9700373-5</u> (Application Number)	<u>Sweden (SE)</u> (Country)	<u>04 February 1997</u> (Day/Month/Year Filed)	<u>CERTIFIED COPY ATTACHED?</u> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
_____ (Application Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____ (Application Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____ (Application Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/> Yes <input type="checkbox"/> No

☐ Additional foreign application numbers are listed on the attached sheet, PTO/SB/02B - Supplemental Priority Data Sheet or similar sheet.

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below:

List of U.S. Provisional Applications (if applicable)

_____ (Application Number)	_____ (Day/Month/Year Filed)
_____ (Application Number)	_____ (Day/Month/Year Filed)

☐ Additional provisional application numbers are listed on the attached sheet, PTO/SB/02B - Supplemental Priority Data Sheet or similar sheet.

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

List of U.S. Parent Application Or PCT Parent Numbers (if applicable)

_____ (Number)	_____ (Day/Month/Year Filed)	(Status: Abandoned; Pending; Patent Number, if applicable)
_____ (Number)	_____ (Day/Month/Year Filed)	(Status: Abandoned; Pending; Patent Number, if applicable)
_____ (Number)	_____ (Day/Month/Year Filed)	(Status: Abandoned; Pending; Patent Number, if applicable)

☐ Additional U.S. or PCT international application numbers are listed on the attached sheet, PTO/SB/02B - Supplemental Priority Data Sheet or similar sheet.

And I hereby appoint as principal attorney-in-fact agents, James O. Ray, Jr., Reg. No. 21,060; Ernest C. Sexton, Reg. No. 22,054; Edmond S. Miksch, Reg. No. 38,558; James H. Stevenson, Reg. No. 38,755; Robert A. Shaw, Reg. No. 29,976; Gary J. Falce, Reg. No. 29,304; Elroy Strickland Reg. No. 22,546; Amos Bartoli, Reg. No. 42,299; and Michele Yoder, Reg. No. 41,562.

Please direct all correspondence to the following address:

James Ray & Associates
2640 Pitcairn Road
Monroeville, Pennsylvania 15146
Telephone: (412) 380-0725
Facsimile: (412) 380-0748

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 of Title 18 and that such willful false statements may jeopardize the validity of the application or any patent issue thereon.

Full Name of Sole or First Inventor: BENGMARK, Stig

Inventor's signature: *Stig Bengmark*

Date: 990825

Residence: Barytongränd 17, S-220 70 Lund Sweden (SE)
(Street, City, State, Zip Code, Country)

Citizenship: Sweden

Post Office Address: Barytongränd 17, S-220 70 Lund Sweden (SE)

Full Name of Second Inventor: _____

Inventor's signature: _____

Date: _____

Residence: _____
(Street, City, State, Zip Code, Country)

Citizenship: _____

Post Office Address: _____

Full Name of Third Inventor: _____

Inventor's signature: _____

Date: _____

Residence: _____
(Street, City, State, Zip Code, Country)

Citizenship: _____

Post Office Address: _____

Full name of Fourth Inventor: _____

Inventor's signature: _____

Date: _____

Residence: _____
(Street, City, State, Zip Code, Country)

Citizenship: _____

Post Office Address: _____

[] Additional inventors are listed on the attached sheet, PTO/SB/02A - Supplemental Additional Inventor(s) Sheet or similar sheet.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Group Art Unit: TBA
BENGMARK, Stig) Examiner: TBA
Filed: February 2, 1998 (Int'l)) Attorney Docket: SG-99224
Serial No.: 09/355,665 (US))
PCT/SE98/00145 (Int'l))
For: CATHETER FOR PROVIDING A FLUID)
CONNECTION WITH THE SMALL INTESTINE) September 13, 1999

ASSISTANT COMMISSIONER OF PATENTS
WASHINGTON, D.C. 20231
ATTN: Box PCT

**REQUEST FOR REFUND OF A PORTION OF FILING FEES,
PURSUANT TO 37 C.F.R. §1.26 AND §1.28,
DUE TO ESTABLISHMENT OF SMALL ENTITY STATUS**

Sir/Madam:

Pursuant to 37 C.F.R. §1.26 and §1.28, Applicant requests a refund of a portion of the basic national fee that he paid when he filed the aforementioned PCT International Application for processing as a national application in the United States. Specifically, Applicant now requests a refund in the amount of \$503.00, i.e., one half of the basic large-entity national fee of \$1006.00 that he previously paid in this matter. As required by 37 C.F.R. §1.28(a)(1), a *Small Entity Statement*, prepared and executed in accordance with 37 C.F.R. §1.27, has been filed within two months of the date on which the national stage was entered.

In support of his request, Applicant states the following:

1. On August 2, 1999, along with the basic national fee of \$876.00 for a large entity (see attachment), Applicant filed the following items with the U.S. Patent Office:

Request For Refund
U.S. Serial No. 09/355,665
Page 2 of 3

- (a) PCT International Application PCT/SE98/00145 accompanied by the International Search Report (Form PCT/ISA/210);
- (b) PCT International Preliminary Examination Report (IPER) (PCT/IPEA/409);
- (c) A Preliminary Amendment;
- (d) An Information Disclosure Statement (IDS) along with Form PTO-1449 that lists the prior art cited in the IDS; and
- (e) Transmittal Letter (Form PTO-1390) a copy of which is attached.

Typewritten on the reverse side of the Transmittal Letter are Applicant's original calculations of the basic national fee for a large entity. Furthermore, on the front side of the Transmittal Letter, Applicant indicated that he would file the *Small Entity Statement* within two months of the date on which the national stage was entered. (See item 17)

2. On August 30, 1999, the U.S. Patent Office issued a *Notification Of Abandonment* in which it alleged that the "Applicant has failed to provide the full U.S. Basic National Fee by 30 months (37 CFR 1.495(b)(2))." The date on which the national application purportedly went abandoned (i.e., the day after the date on which the 35 U.S.C. §371(c) requirements were due) was August 5, 1999.

3. On September 13, 1999, pursuant to 37 C.F.R. §1.137(b), Applicant filed a *Petition For Revival* accompanied by the *Small Entity Statement* and the requisite petition fee of \$605.00. Also accompanying the *Petition* was a check in the amount of \$130.00. The \$130.00 amount represented the difference between (a) the full basic national large-entity fee (\$1006.00) allegedly owing at the time the national application was filed and (b) the \$876.00 actually paid at the time the national application was filed.

Request For Refund
U.S. Serial No. 09/355,665
Page 3 of 3

4. Applicant has therefore paid \$1006.00 as the basic national fee due for a large entity, \$876.00 of which was paid on August 2, 1999, and \$130.00 having been paid on September 13, 1999.

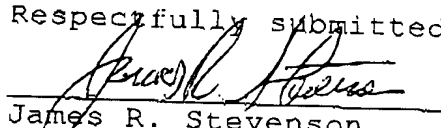
5. As previously noted, on September 13, 1999, the *Small Entity Statement*, prepared and executed in accordance with 37 C.F.R. \$1.27, was filed. It was filed within two months of the date on which the national stage was entered.

6. Therefore, the undersigned representative respectfully requests the following relief pursuant to 37 C.F.R. \$1.26 and \$1.28:

(A) A refund in the amount of \$503.00, i.e., one half of the basic large-entity national fee of \$1006.00 that has previously paid in this matter.

Should the U.S. Patent Office have any difficulty with the grant of this Request, it is invited to contact the undersigned representative by telephone at (412) 380-0725.

Respectfully submitted,


James R. Stevenson
Reg. No. 38,755
Attorney for Applicant

James Ray & Associates
2640 Pitcairn Road
Monroeville, Pennsylvania 15146
TELEPHONE: (412) 380-0725
FACSIMILE: (412) 380-0748

*** RX REPORT ***

RECEPTION OK

TX/RX NO	6445
RECIPIENT ADDRESS	4123800748
DESTINATION ID	
ST. TIME	04/28 14:40
TIME USE	04'47
PGS.	12
RESULT	OK